

# SENATE BILL REPORT

## SB 6846

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As Reported By Senate Committee On:  
Judiciary, February 08, 2008

**Title:** An act relating to metal property transactions.

**Brief Description:** Concerning metal property transactions.

**Sponsors:** Senators Sheldon, Kline, Tom, Swecker, Hatfield and Rasmussen.

**Brief History:**

**Committee Activity:** Judiciary: 2/06/08, 2/08/08 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 6846 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, McDermott, Roach and Weinstein.

**Staff:** Lidia Mori (786-7755)

**Background:** Legislation was passed during the 2007 session which addressed crimes relating to the theft of scrap metal. The provisions of the legislation address numerous businesses that deal with scrap metal, including scrap metal processors, scrap metal recycling centers, scrap metal suppliers, and scrap metal businesses. However, vehicle wreckers or hulk haulers, licensed under chapter 46.79 or 46.80 RCW, are exempt from the law.

The businesses that are subject to the law are required to produce an accurate and legible record of each transaction involving nonferrous metal property. The record must be written in the English language, documented on a standardized form or in electronic form, and it must include certain specified information. Upon request by any law enforcement officer, every scrap metal business is required to furnish a full and correct transcript of the records from the purchase or receipt of nonferrous metal property and commercial metal property involving a specific individual, vehicle, or item of nonferrous metal property or commercial metal property. For every transaction that involves nonferrous metal property, every scrap metal business must require the person with whom a transaction is being made to sign a declaration. Requirements also exist for purchasing or receiving nonferrous metal property from the general public.

A number of new crimes were created in the 2007 legislation addressing stolen scrap metal. For example, it is a gross misdemeanor for any person to deliberately remove or alter any

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manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved on an item of nonferrous metal property or commercial metal property in order to deceive a scrap metal business. It is also a gross misdemeanor for any scrap metal business to enter into a transaction to purchase or receive any nonferrous metal property or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed or altered.

**Summary of Bill (Recommended Substitute):** The exemption for vehicle wreckers or hulk haulers, licensed under the statutes governing hulk haulers, scrap processors, and vehicle wreckers, is removed from Chapter 19.290 RCW, the law governing stolen metal property.

**EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute):** The provisions governing stolen metal property do not apply to metal and other materials from vehicles acquired by vehicle wreckers or hulk haulers license under the laws pertaining to hulk haulers and scrap processors and vehicle wreckers and acquired in accordance with those laws.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: The bill that was passed last year was meant to address metal like copper, brass, etc. The amendment limits the exemption to what hulk haulers and vehicle wreckers do legally. If there's a roll of copper wire on their property, that is outside of what they are supposed to legally do. If we put these businesses out of business, the state will have to figure out what to do with the many "end of life" vehicles.

**Persons Testifying:** PRO: Senator Tim Sheldon, prime sponsor; Gary Smith, Independent Business Association; Brad Tower, Schnitzer Steel.